

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TETYANA DORSANEO,

Plaintiff,

v.

EDWARD MATTHEW DORSANEO,

Defendant.

Case No. [17-cv-00765-VC](#)

**ORDER DENYING MOTION TO
DISMISS, DENYING SANCTIONS, AND
SETTING SUMMARY JUDGMENT
SCHEDULE**

Re: Dkt. Nos. 69, 73, 78, 79

1. Edward Dorsaneo's motion to dismiss (Dkt. No. 69) is denied. The United States is not a necessary party to this action simply because of the chance that Tetyana could apply for public benefits for the same time period for which she is seeking damages from Edward. There is no evidence that the United States government has sought reimbursement from Edward on this basis or that Edward faces any actual risk of incurring multiple obligations to the United States government and Tetyana on these grounds. *See* Fed. R. Civ. P. 19(a); *see also White v. Univ. of Cal.*, 765 F.3d 1010, 1026 (9th Cir. 2014). It also bears noting that Edward failed to file his motion before the deadline for dispositive motions. The Court could sanction Edward and his counsel for failing to meet this deadline, particularly since Edward's counsel has already been warned that he must do a better job of following the rules. However, because it is three days before Christmas, the Court will simply give one more warning: Edward and his counsel will be sanctioned if they do not follow the rules, including this Court's standing orders, going forward.


2. Tetyana's motion for summary judgment will be heard on February 1, 2018. Tetyana's brief in support of her motion for summary judgment is due on January 4, 2018. Edward's response is due January 18, 2018. Tetyana's reply is due January 25, 2018.

3. Edward's request for sanctions (Dkt. No. 78) is denied, although counsel for Tatyana is also warned that any future failure to comply with rules or deadlines in this case will likely result in sanctions. Edward's request for judicial notice (Dkt. No. 79) is denied without prejudice to being renewed along with his opposition to Tetyana's summary judgment motion.

4. The pretrial conference and trial dates are vacated. The Court will set new dates for the pretrial conference and trial, if necessary, after the summary judgment motion is heard.

IT IS SO ORDERED.

Dated: December 22, 2017



VINCE CHHABRIA
United States District Judge